

530-X-2-.12 CLASS A PERMIT APPLICANTS - SPECIFIC REQUIREMENTS

~~(1) Class A permit applicants must comply with all requirements of Alabama Administrative Code 530-X-2-.10 Time Limits for Submitting LP Gas Permit Applications.~~

(1) ~~(2)~~ New Class A permit applicants not holding another Class A permit in Alabama shall not begin any business activities until their permit is initially approved by the board and advised in writing by the Administrator. Business activities include, but are not limited to, advertising, construction, sales, or deliveries.

~~(3) Class A permit applicants must submit evidence of financial responsibility of at least SEVEN HUNDRED FIFTY THOUSAND (\$ 750,000) through one of the following methods:~~

~~(a) Cash or cash equivalent~~

~~(b) Irrevocable letter of credit from a bona fide lending institution~~

~~(c) A financial report prepared by a certified public accountant (CPA) in accordance with generally accepted accounting practices (GAAP) and verified in a letter from the accountant. A certified appraisal of assets demonstrating value equal to or greater than the evidence of the financial responsibility amount required.~~

~~(d) Current published and certified annual report for publically publicly traded companies.~~

(2) After initial approval of a Class A permit application by the board, the following items must be inspected and approved within 120 days and prior to the board administrator issuing a final permit:

(a) A bulk storage plant for use by the permit holder with a minimum amount of qualifying storage totaling 30,000 gallons water capacity in compliance with Code of Alabama 9-17-107. If the container is leased, it must be for the exclusive use of the applicant and their customers and not shared as qualifying storage with another permit holder.

(b) All cargo tank delivery vehicles to be used in the business, if applicable.

(c) Any cylinder filling dispensers placed in operation by the permit holder, if applicable.

(d) Employee Competency requirements specific to each employee.

(e) Training records and written experience for each employee specific to the job tasks they will perform.

(3) ~~(4)~~ New applicant(s) shall appear before the board at such time as their application is considered. Persons other than the person(s) whose signature appears on the application may be required to appear before the board in consideration of the application. All persons required to appear shall be expected to explain and support their application and experience in any manner which members of the board deem relevant to carry out their responsibility to protect the health and safety of the public. Application, attachments, and board hearings shall attempt to resolve the question of the applicant's qualifications to enter the retail LP-gas business. Factors to be considered are as follows:

- (a) Applicant's experience and knowledge of the LP-gas industry.
- (b) Applicant's knowledge, technical ability, and adherence to safety standards adopted by the board.
- (c) Applicant's proposed facilities and equipment.
- (d) Other factors the board may deem important and relevant in qualifying persons as LP-gas dealers.

(4) Applicant's employees must obtain endorsement credentials specific to the job tasks that each will perform unsupervised as detailed in *Alabama Administrative Code 530-X-2-.11 Employee Competency Requirements*. In addition, at least one qualifying employee under each Class A permit must have at least 5 years verifiable experience under a Class A permit holder. The qualifying employee must also obtain all of the following employee competency endorsement credentials regardless of whether these specific tasks will initially be performed by the qualifying employee:

- (a) Bobtail Driver
- (b) Bulk Plant Installation/Repairs
- (c) Cylinder & Motor Fuel Dispensing
- (d) Legal Compliance
- (e) Service Technician (Residential & Commercial)
- (f) Tank Install/Removal/Inspect

(5) Any person may testify at board hearings on pending applications. Persons desiring to testify should notify the board administrator in writing at least twenty-four (24) hours prior to the board meeting in which the application is to be heard.

(6) Failure to continuously employ at least one qualifying employee with the requirements as detailed in item 6(a) through 6(f) above is sufficient cause for the board to suspend a permit until said requirements can be achieved by another employee. Permits suspended for this

cause may only occur after official action by the board at its next regularly scheduled board meeting after learning of the qualified employee vacancy. At no time may any employee work unsupervised without the minimum employee competency endorsement credentials required by *Alabama Administrative Code 530-X-2-.11 Employee Competency Requirements*. This regulation shall not apply to Class A permit holders in existence prior to July 2021.

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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